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**From:** Wade, Alexis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5C9FBA2EF8444572A39185242B70593B-WADE, ALEXIS]  
**Sent:** 12/17/2018 10:45:25 PM  
**To:** Wehling, Carrie [Wehling.Carrie@epa.gov]; Steven Neugeboren [Neugeboren.Steven@epa.gov]  
**CC:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** FW: Basic 404 paper for your review if you have time  
**Attachments:** 404 summary for DOI.docx; 5-way MOA issue paper (asw).docx



5-way MOA issue  
paper (asw).docx



404 summary for  
DOI.docx

Steve and Carrie – here are the draft briefing papers that Matt and David requested. These are intended to go to DOI so they can brief senior managers.

Alexis Wade  
Attorney-Adviser  
Water Law Office  
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(202) 564-3273

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**From:** Kupchan, Simma  
**Sent:** Monday, December 17, 2018 3:50 PM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Subject:** Basic 404 paper for your review if you have time

Attached is a draft one pager that responds to Matt's and David's request for relevant background on 404. Comments welcome, but it's pretty basic, so no need to review if you all are busy. Alexis, feel free to send to Carrie whenever you have reviewed – I can update any time with comments anyone else sends.

Thanks for your attention.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Wade, Alexis

**Sent:** Thursday, December 13, 2018 10:13 AM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>

**Subject:** RE: call with DOI today

THANK YOU! I think if we could have maybe one or two bullets on the FL MOA in the context of how assumption works, and generally what the MOA says, that would be great.

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**From:** Hicks, Matt

**Sent:** Thursday, December 13, 2018 10:12 AM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>

**Subject:** RE: call with DOI today

Sounds good. Rosemary is helping out with the 5-way MOA one-pager and we should hopefully have you something this afternoon.

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**From:** Kupchan, Simma

**Sent:** Thursday, December 13, 2018 10:09 AM

**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>

**Subject:** RE: call with DOI today

Thanks, Matt; that would be great. I think the 5-way. I will work with Kathy to develop the 404 one-pager by early next week. We don't have a canned one-pager but we have materials we can draw from.

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**From:** Hicks, Matt

**Sent:** Thursday, December 13, 2018 9:31 AM

**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie

<Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

**Subject:** RE: call with DOI today

I'm on leave tomorrow but may have some time today to put together a one-pager on the 404-specific MOA. To be clear, are we talking about the 5-way MOA or the EPA/FDEP MOA?

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**From:** Wade, Alexis

**Sent:** Wednesday, December 12, 2018 6:39 PM

**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

**Subject:** call with DOI today

Hi all – I was on the call with Matt and David with DOI to talk about the Florida MOA.

**Ex. 5 AC/DP**

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They had questions about how the 404 process works, EPA review, timing of the Services' review, etc. She asked for a briefing paper that she could use to brief the Secretary and David Bernhardt. Matt and David asked for a 1 pager that could explain 404 at a high level (e.g. what is section 404, how assumption works, describe the MI and NJ MOAs, summarize the regulations and objection process) and another 1-pager that summarizes the MOA. Matt said we would get this to them as soon as possible, ideally by early next week.

Do we have anything already drafted that would help with the 404-specific MOA? I am very pressed for time right now and if anyone has extra time that they could devote to summarizing the MOA, I would appreciate the help. If not, I'll try to squeeze it in.

Thanks,  
Alexis

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